

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1613.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	August 31, 2000
DATE OF REPORT:	September 20, 2000
REQUEST FOR RECONSIDERATION:	yes (no revisions resulted from reconsideration)
DATE OF CLOSURE:	November 29, 2000

COMPLAINT ISSUES:

Whether the Lafayette School Corporation and the Greater Lafayette Area Special Services violated:

511 IAC 7-21-2(a) with regard to the school's alleged failure to utilize an appropriately licensed teacher to provide instruction to students in the resource room at Jefferson High School.

511 IAC 7-21-2(b) with regard to the school's alleged failure to ensure that services of the paraprofessional in the resource room at Jefferson High School are provided under the direction and supervision of a licensed teacher.

During the course of the investigation, additional issues were identified, which are:

34 CFR 300.347(a)(7) with regard to the school's alleged failure to include in the student's individualized education program (IEP) a statement of how the parent(s) will be informed of the student's progress made toward annual goals.

511 IAC 7-12-1(k)(4) with regard to the school's alleged failure to specify in the IEP the length and frequency of special education services.

FINDINGS OF FACT:

1. The student is in the twelfth grade and has been determined eligible for special education due to a learning disability and an orthopedic impairment. The student's IEP states that the least restrictive environment is instruction in the general education classroom for most of the instructional day, with special education instruction or related services provided in a resource room for part of the school day.
2. The classroom in question is identified as a learning resource room. According to the student's teacher of record, approximately ten students with various disabilities attend this classroom on a daily basis. The teacher of record stated on occasion a group of students (up to eight students at a time) may be sent to the learning resource room for extra help with tests. In a written statement dated September 8, 2000, the department specialist advised that the purpose of the learning resource room is to provide students with tutoring services, as well as assistance with homework and testing material. The paraprofessional wrote in a letter to the director dated September 8, 2000, that she staffs the learning resource room alone. Both the teacher of record and the department specialist state the learning resource room is staffed by only one paraprofessional.

3. The department specialist states she is the learning resource room paraprofessional's supervisor. In a written statement dated September 8, 2000, the learning resource room paraprofessional wrote that the department specialist is her supervisor. Indiana Department of Education records document that the department specialist has a master's degree in the areas of learning disabled, mentally retarded, and general elementary. The department specialist states her job responsibilities prohibit her from providing direct supervision or one-on-one direction to the paraprofessional during the time the paraprofessional provides assistance to the students and supervises learning resource room activities. The student's teacher of record states there are no licensed teachers in the learning resource room with the paraprofessional during the instructional day.
4. Form SE-4, page 3, of the IEP dated March 9, 2000, has a statement that reads: "How parent will be informed of progress toward annual goal: a. Report Card; b. Other (Specify)." There is a space to check as to which method will be utilized to inform the parent of the student's progress toward annual goals, and both have been left blank. There is no other place on the IEP where this information is specified.
5. Form SE-4, page 4, of the IEP dated March 9, 2000, states the student will receive occupational therapy as needed. The length and frequency of the occupational therapy service to be provided to the student is not specified. There is no other place on the IEP where this information is listed. The form identified as ITP/IEP lists that the student will receive occupational therapy consultation. There is no mention in the IEP dated March 9, 2000, as to how often or for how long this service will be provided to the student.

CONCLUSIONS:

1. Finding of Fact #2 indicates the school failed to provide an appropriately licensed teacher to provide instruction to students in the learning resource room at Jefferson High School. Therefore, a violation of 511 IAC 7-21-2(a) is found.
2. Finding of Fact #3 reflects the school failed to ensure that services of the paraprofessional in the resource room at Jefferson High School were provided under the direction and supervision of a licensed teacher. Therefore, a violation of 511 IAC 7-21-2(b) is found.
3. Finding of Fact #4 indicates the school failed to include in the IEP dated March 9, 2000, a statement of how the parent(s) will be informed of the student's progress made toward annual goals. Therefore, a violation of 34 CFR 300.347(a)(7) is found.
4. Finding of Fact #5 reflects the school failed to specify in the IEP dated March 9, 2000, the length and frequency of special education and related services. Therefore, a violation of 511 IAC 7-12-1(k)(4) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Lafayette School Corporation and the Greater Lafayette Area Special Services shall:

1. Convene a CCC meeting to:

- a. determine how the parent(s) will be informed of the student's progress made toward annual goals; and
 - b. specify in the IEP the length and frequency of occupational therapy services.

Submit a copy of the Case Conference Summary Report and the revised IEP to the Division no later than October 25, 2000.
2. Develop and implement a policy no later than November 15, 2000, that requires all resource rooms within the school corporation to be staffed by full-time, appropriately licensed teachers. Submit a copy of the policy and a written statement to the Division that this has been completed no later than November 22, 2000.
3. Provide the Division with an assurance statement no later than October 25, 2000, indicating that all paraprofessionals in the school corporation will work under the direction and supervision of licensed teachers or related services personnel.
4. In-service all appropriate staff in the school corporation as to the requirements specified in 511 IAC 7-21-2 and 511 IAC 7-27-6(a)(5) and (7). Submit documentation to the Division that the in-service training has been completed no later than October 25, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.